



City of Rowlett

Meeting Minutes

City Council

4000 Main Street
Rowlett, TX 75088
www.rowlett.com

City of Rowlett City Council meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary at 972-412-6115 or write 4000 Main Street, Rowlett, Texas, 75088, at least 48 hours in advance of the meeting.

Tuesday, March 19, 2013

5:30 P.M.

Municipal Building – 4000 Main Street

As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item herein.

The City of Rowlett reserves the right to reconvene, recess or realign the Regular Session or called Executive Session or order of business at any time prior to adjournment.

Present: Mayor Gottel, Mayor Pro Tem Phillips, Deputy Mayor Pro Tem Gallops, Councilmember Pankratz, Councilmember Miller and Councilmember Kilgore

1. CALL TO ORDER

Mayor Gottel called to order at 5:30 p.m.

2. EXECUTIVE SESSION (5:30 P.M.)

CONVENE INTO EXECUTIVE SESSION

Convened into Executive Session at 5:30 p.m.

- 2A. The City Council shall convene into Executive Session pursuant to the TEXAS GOVERNMENT CODE, §551.071 (Consultation with Attorney) to seek legal advice pertaining to and to discuss pending litigation, City of Rowlett v. Thomas Merritt and City of Rowlett v. Elaine Merritt. (15 minutes)

RECONVENE INTO OPEN SESSION

Reconvened into open session at 6:03 p.m.

3. WORK SESSION ITEMS (5:45 P.M.)

3A. Hear First Quarter Investment Report for December 31, 2012. (10 minutes)

Alan Guard, Director of Financial Services, stated as of December 31, 2012, approximately 34 percent of the City's investments were in U.S. Treasuries and Agency securities, and the remaining 66 percent was invested in a constant dollar pool. Stated the portfolio continues to have a strong emphasis on liquid investments and all securities held by the City are of high credit quality. While the longer term view is that yields will eventually drift gradually higher, staff intends to keep durations close to neutral to protect the City's portfolio against the regularly recurring flights into Treasuries. Stated staff will continue to follow the prudent investment strategies that have safely provided the City with favorable long-term performance and preservation of principal, while seeking opportunities to add value by remaining flexible and responding to changes in interest rates, economic data, market outlook or specific opportunities that arise.

Comments were made regarding the announcement made by the Fed to keep short-term rates at extremely low levels until the unemployment rate falls below 6.5 percent, and the prospect remains for long-run inflation to stay below 2.5 percent.

Staff stated this affects the City's ability to make money in the market.

A member of Council questioned staff regarding refinancing bonds.

Staff stated the staff at First Southwest will continue to monitor the City's portfolio.

3B. Discuss proposed text amendments to the Rowlett Development Code as it pertains to the Zoning Districts, Table of Allowed Uses, Landscaping, Accessory Structures, Carports, Solar Panels, Subdivision Regulations, and Signage. (90 minutes)

Michele Berry, Planner II, gave a brief history of this item.

Spoke concerning Table of Allowed Uses. Stated the purpose is to address concerns raised by staff, City Council, developers, and the Planning and Zoning Commission. The main concern reducing hurdles for small business by allowing compatible uses by right that currently requires a Conditional Use Permit. Spoke concerning updating use categories.

Stated the first recommendation would be to combine "Nail Salon" and "Barbershop or Beauty Shop" as both uses serve similar purposes and have similar rates of traffic, noise, and odor.

The second recommendation is to separate "Tattoo parlor" from "permanent cosmetics" as this allows for permanent cosmetics by right but requires additional review for tattoo parlors.

The third recommendation is to change "Laundry or Dry Cleaners" to "Self-serve Laundromat" and include "dry-cleaning" under "personal services, general".

The fourth recommendation is to separate similar uses, "Shopping Center" and "Retail General", and to eliminate the "Shopping Center" category from the use chart.

Staff provided further explanation as to the definitions of retail general and shopping center.

The fifth recommendation is to separate "Halfway House" from "Group Home". Staff noted that Halfway Houses are regulated by the Federal Fair Housing laws; therefore, Council will have limited authority.

A member of Council stated Halfway House and Group Home should still be separated.

Staff spoke concerning proposed new uses and definitions, including Office Warehouse.

Staff spoke regarding possible changes to conditional use permits including daycares with less than 20 enrolled; dental or medical offices or clinics; religious assembly; radio broadcasting without tower; kennel or veterinary, no outside runs; clubs, lodges and fraternities; financial institutions (drive-in); restaurant with drive thru; single tenant office; recreation and entertainment center; barbershop or beauty shop; general personal service establishment; spa or massage establishment; permanent cosmetics; pet store; contractor shop; heavy manufacturing general; mini warehouse/self storage; and portable recycling collection point.

Following the discussion of possible changes to conditional use permits, staff spoke regarding possible changes to special use permits. The items discussed included single-phase office building less than 100,000 sq. ft.; single-phase office building greater than 100,000 sq. ft.; shopping center, less than 20,000 sq. ft.; and wholesale distribution center.

Staff spoke regarding items that are currently prohibited in particular districts including retirement homes, nursing homes, assisted living; limited day care, less than 20 enrolled; barbershop or beauty shop; permanent cosmetics.

Spoke regarding items that are currently prohibited but possibly could require a conditional use permit including limited day care, less than 20 enrolled (excluding "Family Home" as defined in the accessory use chart); transit stop; small-scale manufacturing for on-site retail sale; and heavy manufacturing, general.

Spoke regarding changing from conditional use permits to special use permits (proposed stricter regulations) including wholesale or bulk storage or gasoline, propane or butane, or other petroleum products; natural gas or petroleum drilling or storage; and batching or manufacturing plant.

Spoke as to whether the following tiers are necessary: Allowed Use (A); Conditional Use Permit (CUP); and Special Use Permit (SUP). Spoke regarding the pros and cons of the three tier system.

Conversation continued regarding CUPs and SUPs. Spoke as to the different permits' usefulness; stated SUPs allow for oversight, adaptability, and flexibility. Spoke regarding the highest and best use of the land, the diversification, and the obligation to the citizens of Rowlett.

City Attorney explained the differences between a CUP and SUP.

Staff provided an update to the landscaping ordinance based on experience since adoption two years ago.

Spoke regarding the Compatibility Buffer Tree Requirements. Stated when landscaping was revised in 2010, compatibility buffers were added in during adoption by Council. During the past two years of review, this buffer had been cost prohibitive and unhealthy for trees. Currently one tree is required per 50 lineal feet. Staff proposes removing trees in the compatibility buffer. Stated when additional parking lot interior trees are combined with compatibility trees the result is trees nearly 30 feet on center.

A member of Council suggested the developer plants the maximum capacity of trees for healthy planting.

Staff stated a cap will be placed on the maximum number of trees for healthy planting.

Spoke regarding Right-of-way Buffer. Stated tree spacing is currently one tree per 30 feet, staff proposes one tree per 35 feet. Spoke regarding clustering; currently up to 40 feet on center, staff proposes 50 feet on center. Staff also suggested that when calculating linear feet measurement, to exclude driveway pavement areas.

Staff spoke regarding Tree Preservation. Spoke regarding the proposed new language. Spoke to potential violations of illegal tree removal.

Spoke regarding the three methods of tree mitigation.

At this time, the discussion of this item stopped due to the lack of time.

4. DISCUSS CONSENT AGENDA ITEMS

Items 7C and 7D were removed from the Consent Agenda to be considered individually.

CONVENE INTO THE COUNCIL CHAMBERS (7:30 P.M.)

Convened into the Council Chambers at 7:35 p.m.

INVOCATION

The invocation was led by Reverend Steven Leatherwood, First Baptist Church of Rowlett.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the City Council.

TEXAS PLEDGE OF ALLEGIANCE

The Texas Pledge of Allegiance was led by the City Council.

5. PRESENTATIONS AND PROCLAMATIONS

- 5A.** Presenting a proclamation to the Rowlett High School Lady Eagles Basketball Team for their winning the District Championship. This presentation is made at the request of Councilmember Pankratz.

Councilmember Pankratz presented Head Coach Roland and members of the team with a proclamation.

- 5B.** Update from the City Council and Management: Financial Position, Major Projects, Operational Issues, Upcoming Dates of Interest and Items of Community Interests.

Mayor Gottel gave a brief update to the Council on the various activities in the City including next Planning and Zoning Commission meeting will be held on Tuesday, March 26th; the next City Council meetings will be held on Tuesday, April 2nd and 16th; the March Clean Up Campaign continues and will last the entire month of March; the last day to register to vote in the May Election is Thursday, April 11th; Early Voting for the May Election will begin April 30th – May 7th with May 11th being Election Day; the Animal Shelter will host Low Cost Animal Vaccination Clinics on Saturday, March 23rd, April 6th and April 20th beginning at 2:00 p.m.; the Rowlett Library will host the No Page Unturned Book Club on March 21st beginning at 7:00 p.m., Tech Ed will present Craigslist on Friday, March 22nd beginning at 6:30 p.m. and Electronic Resume Building on Tuesday, April 2nd beginning at 6:30 p.m., Spring Fest in the Library will be held Saturday, March 23rd beginning at 10:00 a.m., and the entry due date for the Annual Writing Contest is Monday, April 29th; the Parks and Recreation Department will host the Eggstraordinary Egg Hunt on Saturday, March 23rd at 10:00 a.m. on the front lawn of City Hall, the Pup-a-Palooza four-legged egg hunt will be held on Sunday, March 24th beginning at 2:00

p.m. at Herfurth Park, and Art Classes are available at the Community Centre, call for further details; the Great American Clean-Up on Saturday, April 13th beginning at 9:00 a.m. in various locations, contact Keep Rowlett Beautiful for further details at 972-463-3929; and the Electronics Recycling Roundup will be held in the Home Depot parking lot on Saturday, April 27th beginning at 9:00 a.m.

The Consent Agenda followed Item 5B.

6. CITIZENS' INPUT

This item followed Item 8B.

1. Shari Petrino, 3501 Lily, Rowlett – Spoke regarding the City's invocation policy.
2. Gerald Spidle, 6317 Hancock Road, Rowlett – Spoke regarding the City's invocation policy.
3. Sammy Walker, 5609 Willowbrook Drive, Rowlett – Spoke regarding the City's invocation policy.
4. Camila Lyon, 5309 Highgate, Rowlett – Spoke regarding the City's invocation policy.
5. Frank Solis, 3212 Kyle Road, Rowlett – Spoke regarding the City's invocation policy.
6. Fran Fletcher, 4317 Duck Pond Lane, Rowlett – Spoke regarding the City's invocation policy.
7. Brownie Sherrill, 10114 Birdie Court, Rowlett – Spoke regarding the City's invocation policy.
8. Kason Huddleston, PO Box 2425, Rowlett – Spoke regarding the City's invocation policy.
9. Monica Phillips, 7810 Killarney Lane, Rowlett – Spoke regarding the City's invocation policy.
10. Tammy Dana-Bashian, 6506 Port Isabel Drive, Rowlett – Spoke regarding the City's invocation policy.
11. Greg Peebles, 3301 Fair Oaks, Rowlett – Spoke regarding the City's invocation policy.
12. Fred Witzell, 7609 Coral Way, Rowlett – Spoke regarding the City's invocation policy.

7. CONSENT AGENDA

Items 7C and 7D were removed from the Consent Agenda to be considered individually.

The City Secretary read the items into the record.

- 7A.** Consider approving minutes from the February 28, 2013, City Council Special Meeting and the March 5, 2013, City Council Regular Meeting.

This item was approved on the Consent Agenda.

- 7B.** Consider action to approve a resolution approving expenditures and awarding the bid to Pursuit Safety, Incorporated in the unit amounts bid and an estimated annual amount of \$90,000 for

outfitting City vehicles with equipment and accessories through the Interlocal Agreement with the City of Allen.

This item was approved as RES-031-13 on the Consent Agenda.

- 7C. Consider action approving a resolution to award the bid for the purchase of pipe bursting equipment for the Utilities Department to Hammerhead Trenchless Equipment in the amount of \$255,049.82 through the Interlocal Cooperative Purchasing Agreement with the Texas Local Government Purchasing Cooperative (BuyBoard).

This item was removed from the Consent Agenda to be considered individually.

Mayor Gottel read the item into the record.

Tim Rogers, Utilities Operation Manager, gave a brief history of this item and explained the benefits this equipment will have on the community with a decrease in service disruption.

A motion was made by Mayor Pro Tem Phillips, seconded by Councilmember Pankratz, to approve the item as read. The motion carried by a unanimous vote of those members present. This item was adopted as RES-032-13.

- 7D. Consider action to approve a resolution awarding the bid for the five year lease purchase financing of pipe bursting equipment for Utilities to U.S. Bancorp Government Leasing & Finance, Incorporated in the amount of \$264,462.60 utilizing an interest rate of 1.51 percent.

This item was removed from the Consent Agenda to be considered individually.

Mayor Gottel read the item into the record.

A motion was made by Mayor Pro Tem Phillips, seconded by Councilmember Miller, to approve the item as read. The motion carried by a unanimous vote of those members present. This item was adopted as RES-033-13.

Passed The Consent Agenda

A motion was made by Mayor Pro Tem Phillips, seconded by Deputy Mayor Pro Tem Gallops, including all the preceding items marked as having been approved on the Consent Agenda. The motion carried by a unanimous vote of those members present.

8. ITEMS FOR INDIVIDUAL CONSIDERATION

- 8A. Consider a resolution approving a tree mitigation plan and related tree removal permit application for more than three trees associated with the Mallard Reserve Subdivision. The subject property is 7.7± acres of land located north of Lakeview Parkway on Scenic Road, 430± feet north of Chimneywood Drive, along the west shoreline of Lake Ray Hubbard.

Mayor Gottel read the item into the record.

Erin Jones, Planning Director, gave a brief history of this development. Spoke concerning the Rowlett Development Code policy. Staff can say with confidence that we would have supported the request had it come forward in a legal manner. The removal was required in order to conduct anticipated activities on the site and no reasonable accommodation could be made. The applicant has taken responsibility and is willing to mitigate for the illegally removed trees on site. In addition, they are working through additional fines and/or planting as part of the legal proceedings associated with the illegal removal. Based on the site constraints and for the sake of healthy tree growth, staff is supportive of waiving the remaining mitigation requirements on site. Staff is supportive of waiving the payment of fees in lieu of mitigation and/or off site mitigation in light of the complex history of this site should the Council see fit to do so.

Brad Reid, the applicant, spoke on behalf of M. Christopher Custom Homes. Mr. Reid explained why the protected trees were removed and asked the Council to approve the proposed mitigation; approval for the removal of additional protected trees; for the second mitigation fine to be waived; and for the removal of the citation given to the owner of the company.

A member of Council spoke concerning the City of Rowlett being a Tree City with the purpose of tree preservation, but stated he was opposed to waiving the remaining 30-inch tree mitigation.

Another member of Council asked staff if the developer had access to the grading plans.

Staff answered in the affirmative.

A motion was made by Mayor Pro Tem Phillips, seconded by Councilmember Kilgore, to approve the item as read. The motion carried by a unanimous vote of those members present. This item was adopted as RES-034-13.

- 8B. Consider action to approve a resolution appointing a member to the Tax Increment Financing Reinvestment Zone Number One Board of Directors.

Mayor Gottel read the item into the record.

Brian Funderburk, Assistant City Manager, gave a brief history of this item.

Councilmember Pankratz was nominated to fill the vacant position.

A motion was made by Mayor Pro Tem Phillips, seconded by Deputy Mayor Pro Tem Gallops, to approve Councilmember Pankratz as a member of the Tax Increment Financing Reinvestment Zone Number One Board of Directors. The motion carried by a unanimous vote of those members present. This item was adopted as RES-035-13.

TAKE ANY NECESSARY OR APPROPRIATE ACTION ON CLOSED/EXECUTIVE SESSION MATTERS

No action was taken following the Executive Session item.

It was noted the continuation of Item 3B will take place at a future work session.

9. ADJOURNMENT

Mayor Gottel adjourned the meeting at 8:43 p.m.



Todd W. Gottel, Mayor



Laura Hallmark, City Secretary

Date Approved: April 2, 2013